

Topic: OECA oil and natural gas tools for reference during Regional/State discussions.

Background:

On July 11, 2017, EPA responded to inquiries relating to CAA compliance assurance activities in the oil and gas sector.

While the six incoming letters to EPA originated from organizations located in Region 8 states (i.e., Colorado and North Dakota), EPA is instituting a national approach to build relationships with industry and states. Specifically, the "next steps" section of the response letters state:

"Your letter raises broad concerns about the agency's relationships and communications involving the oil and gas sector. To begin to address those concerns, I have directed agency staff to take the following steps:

1. Each region will work with their counterpart state oil and gas regulatory agencies to enhance existing relationships and define EPA/state-lead responsibilities on compliance and enforcement work to eliminate duplication of efforts. This may include discussions of tools to promote compliance in the oil and gas sector, joint planning and a process for elevating any material disagreements with states that cannot be resolved in the normal course of business." [Emphasis added]

In August 2017, the Acting Assistant Administrator of OECA tasked the assist Regional Enforcement Coordinators and Regional Counsels in Regions 3, 4, 5, 6 and 8 to meet with their state oil and natural gas regulatory agencies by the end of the calendar year, if possible.

Tools to Promote Compliance in the Oil and Gas sector:

With respect to the "...discussions of tools to promote compliance in the oil and gas sector...", OECA has a number of tools under development that the Regions may want to highlight for their respective state agencies.

These tools include:

Ex. 5 Deliberative Process (DP)

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2. Technical Presentations/Discussions -

What to Share: OECA and regional staff could offer states a number of technical presentations via a webinar related to any of the following topics:

- a. Technical Considerations for Permitting and Inspecting Well Pad Closed Vent Systems
- b. The Use of FLIR Cameras in Upstream Oil and Natural Gas Operations
- c. Renewable Water - Considerations for the Beneficial Use of Treated Produced Water

d. Induced Seismicity Primer

e. UIC Inspections

3. Compliance Audit for New Acquisitions

Background: A large, independent oil and natural gas operator and EPA recently completed a new owner policy settlement agreement where EPA offered increased flexibility to the operator to meet the intent of the Audit Policy.

What to Share: EPA would like to work with states to more broadly promote this policy and EPA's increased flexibility for oil and natural gas sector. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) EPA's audit policy:
<https://www.epa.gov/compliance/epas-audit-policy>.

4. Small Entity Compliance Guide for NSPS 0000a

Background: While the audience for this tool is the regulated community, it does provide applicability flow charts and compliance timelines which may be useful for the states.

What to share: See: <https://www.epa.gov/sites/production/files/2016-08/documents/2016-compliance-guide-oil-natural-gas-emissions.pdf>

5. NSPS 0000 Applicability Flowcharts

Background: EPA has developed applicability flowcharts and rule summary flowcharts for each of the affected sources under NSPS 0000.

What to Share: The flowcharts are available on the Inspector Wiki.

6. Inspector Wiki

Background: The Inspector Wiki is a "first-stop" comprehensive resource where EPA, state, local and tribal inspectors can access information about inspections, mandatory inspector training and credential requirements, health and safety policy and requirements, program specific and cross media inspection policy and guidance, inspection equipment and new technologies, and compliance assistance. Additionally, the Wiki provides a collaborative workspace enabling users to share training resources, documents and events in accordance with the Inspector Wiki Comment Policy.

What to Share: The link to the inspector wiki is: **Ex. 5 Deliberative Process (DP)**

Once there, they may follow the link on the home page to request an account.

Other (FYI - suggested that these are discussed only if the state brings them up)

ONG Roundtable

Background: EPA is working with ECOS and IOGCC to put on a three-part discussion beginning in January (Part 1: Roundtable in R8; Part 2: ECOS Spring Meeting in March; Part 3: IOGCC Spring Meeting in May). The UOG roundtable will bring together state agencies, tribes, industry, NGOs, and EPA. The discussions will focus on barriers to cost-effective and timely compliance, meaningful solutions and innovative examples. (Note: Per the Federal Advisory Committee Act (FACA), stakeholder consensus would not be sought. Instead, participants would share their individual ideas, views, experiences, practices, examples, etc)

Ex. 5 Deliberative Process (DP)

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What to Share: The invite list will be overseen and managed by ECOS and IOGCC. EPA does not influence the list of invitees. Also, this will be a small group meeting (estimated 30-40 people). Even if a particular state is not invited, all stakeholders will have a chance to provide input whether they attend any of the three meetings.

Oil and Natural Gas Smart Sector Teams - Be aware of the Smart Sector Team for Oil and Natural Gas. EPA's Smart Sectors is a partnership program that provides a platform to collaborate with regulated sectors and develop sensible approaches that better protect the environment and public health. Smart Sectors Envisions:

- Meaningful Collaboration with Regulated Sectors
- Sensible Policies to Improve Environmental Outcomes
- Better EPA Practices and Streamlined Operations

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